The Commonwealth of Massachusetts

Substituted by the House, on motion of Mr. Pedone of Worcester, for a Bill to eliminate the use of the word retardation from the General Laws (House, No. 176). July 22, 2010.

The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

An Act eliminating the word 'retardation' from the General Laws.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 17 of chapter 10 of the General Laws, as appearing in the 2008 1 2 Official Edition, is hereby amended by striking out, in lines 4 and 7, the words "mental 3 retardation" and inserting in place thereof, in each instance, the following words:- intellectual disabilities. 4 5 SECTION 2. Said section 17 of said chapter 10, as so appearing, is hereby further amended by 6 striking out, in lines 4, 8 and 18, the words "mentally retarded persons" and inserting in place 7 thereof, in each instance, the following words:- persons with an intellectual disability. 8 9 SECTION 3. Section 13 of chapter 18B of the General Laws, as so appearing, is hereby 10 amended by striking out, in line 22, the words "mental retardation" and inserting in place thereof, 11 12 in each instance, the following words:- intellectual disabilities. 13 SECTION 4. Section 21 of chapter 19 of the General Laws, as so appearing, is hereby 14 15 amended by striking out, in line 40, the words "mentally retarded individuals" and inserting in 16 place thereof the following words:- persons with an intellectual disability. 17 18 SECTION 5. Said section 21 of said chapter 19, as so appearing, is hereby further amended by

striking out, in lines 46 and 47, the words "mentally retarded" and inserting in place thereof, in

each instance, the following words:- persons with an intellectual disability.

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- 22 SECTION 6. Said section 21 of said chapter 19, as so appearing, is hereby further amended by
- striking out, in line 59, the words "mentally retarded persons" and inserting in place thereof, in
- 24 each instance, the following words:- persons with an intellectual disability.

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- 26 SECTION 7. Section 1 of chapter 19B of the General Laws, as so appearing, is hereby amended
- 27 by striking out, in lines 25, 26 and 27, 33, 42, 47 and 48, 49 and 51, the words "mental
- retardation" and inserting in place thereof, in each instance, the following words:- intellectual
- 29 disabilities.

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- 31 SECTION 8. Said section 1 of said chapter 19B, as so appearing, is hereby further amended by
- striking out, in line 14, 16 and 21, the words "mentally retarded citizens of the commonwealth"
- and inserting in place thereof, in each instance, the following words:- persons with an
- 34 intellectual disability.

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- 36 SECTION 9. Said section 1 of said chapter 19B, as so appearing, is hereby further amended by
- striking out, in line 16 and 21, the words "mentally retarded persons" and inserting in place
- thereof, in each instance, the following words:- persons with an intellectual disability.

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- 40 SECTION 10. Section 10 of said chapter 19B, as so appearing, is hereby amended by striking
- out, in line 2, the words "mental retardation" and inserting in place thereof the following words:-
- 42 intellectual disability.

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- 44 SECTION 11. Section 12 of said chapter 19B, as so appearing, is hereby amended by striking
- out, in lines 2, 7 and 8, the words "mental retardation" and inserting in place thereof, in each
- instance, the following words:- intellectual disability.

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- 48 SECTION 12. Section 13 of said chapter 19B, as so appearing, is hereby amended by striking
- out, in lines 3, 8 and 9, 13, 27, 31, 32 and 33, the words "mental retardation" and inserting in
- 50 place thereof, in each instance, the following words:- intellectual disability.

- 52 SECTION 13. Section 15 of said chapter 19B, as so appearing, is hereby amended by striking
- out, in lines 5 and 6, 8 and 39 and 40, the words "who are mentally retarded" and inserting in
- 54 place thereof, in each instance, the following words:- with an intellectual disability.

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- 56 SECTION 14. Section 16 of said chapter 19B, as so appearing, is hereby amended by striking
- out, in line 2, the words "mental retardation" and inserting in place thereof the following words:-
- 58 intellectual disability.

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- 60 SECTION 15. Section 18 of said chapter 19B, as so appearing, is hereby amended by striking
- out, in line 40, the words "mentally retarded individuals" and inserting in place thereof the
- 62 following words:- persons with an intellectual disability.

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- 64 SECTION 16. Said section 18 of said chapter 19B, as so appearing, is hereby further amended
- by striking out, in line 59, the words "mentally retarded persons" and inserting in place thereof
- 66 the following words:- persons with an intellectual disability.

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- 68 SECTION 17. Said section 18 of said chapter 19B, as so appearing, is hereby further amended
- 69 by striking out, in line 46, the words "mentally retarded" and inserting in place thereof
- 70 the following words:- persons with an intellectual disability.

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- 72 SECTION 18. Section 1 of chapter 19C of the General Laws, as so appearing, is hereby
- amended by striking out, in line 16, the words "mentally retarded, as defined by section one of
- chapter one hundred and twenty-three" and inserting in place thereof the following words:- a
- 75 person with an intellectual disability as defined by section 1 of chapter 123B.

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- 77 SECTION 19. Section 4 of said chapter 19C, as so appearing, is hereby amended by striking
- out, in line 28, the words "mentally retarded" and inserting in place thereof the following words:-
- a person with an intellectual disability.

- 81 SECTION 20. Section 3 of chapter 19D of the General Laws, as so appearing, is hereby
- amended by striking out, in line 9, the words "the mentally retarded" and inserting in place
- 83 thereof the following words:- persons with an intellectual disability.

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- 85 SECTION 21. Section 1 of chapter 31 of the General Laws, as so appearing, is hereby amended
- by striking out the definition of "Mentally retarded person".

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- 88 SECTION 22. Said section 1 of said chapter 31, as so appearing, is hereby further amended by
- inserting, after the definition of "Permanent employee" the following definition:- "Person with
- an intellectual disability", a person certified as having an intellectual disability by the
- 91 Massachusetts rehabilitation commission.

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- 93 SECTION 23. Section 47 of said chapter 31, as so appearing, is hereby amended by striking
- out, in lines 7, 13 and 14, 27 and 28 and 33, the words "mentally retarded person" and inserting
- 95 in place thereof, in each instance, the following words:- person with an intellectual disability.

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- 97 SECTION 24. Said section 47 of said chapter 31, as so appearing, is hereby further amended by
- striking out, in line 10, the words "is mentally retarded" and inserting in place thereof the
- 99 following words:- has an intellectual disability.

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- SECTION 25. Said section 47 of said chapter 31, as so appearing, is hereby further amended
- by striking out, in line 16, the words "retarded person" and inserting in place thereof the
- following words:- person with an intellectual disability.

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- SECTION 26. Said section 47 of said chapter 31, as so appearing, is hereby further amended
- by striking out, in lines 24 and 25, the words "mentally retarded person's" and inserting in place
- thereof the following words:- person with an intellectual disability's.

- SECTION 27. Section 4E of chapter 111 of the General Laws, as so appearing, is hereby
- amended by striking out, in line 2, the words "mental retardation" and inserting in place thereof
- the following words:- intellectual disability.

112 SECTION 28. Section 63A of said chapter 111, as so appearing, is hereby amended by striking 113 114 out, in line 4, the words "mentally retarded" and inserting in place thereof the following words:-115 a person with an intellectual disability. 116 SECTION 29. Section 67E of said chapter 111, as so appearing, is hereby amended by striking 117 out, in lines 43 and 44 and 45, the words "mental retardation" and inserting in place thereof, in 118 119 each instance, the following words:- an intellectual disability. 120 SECTION 30. Section 71 of said chapter 111, as so appearing, is hereby amended by striking 121 out, in lines 5, 12, 15, and 18, 135 and 136, 139 and 140, 159, 211, 232, and 242, the words 122 "the mental retarded" and inserting in place thereof, in each instance, the following words:-123 124 persons with an intellectual disability. 125 126 SECTION 31. Said section 71 of said chapter 111, as so appearing, is hereby further amended 127 by striking out, in lines 162 and 163, the words "mentally retarded persons" and inserting in 128 place thereof the following words:- persons with an intellectual disability. 129 SECTION 32. Section 72 of said chapter 111, as so appearing, is hereby amended by striking 130 out, in lines 7 and 8, 13 and 14, 17, 20 and 21, 26, 27, 36 and 37, and 41, the words "the mentally 131 retarded" and inserting in place thereof, in each instance, the following words:- persons with an 132 133 intellectual disability. 134 SECTION 33. Said section 72 of said chapter 111, as so appearing, is hereby further amended 135 136 by striking out, in lines 31 and 32, words "mentally retarded persons" and inserting in place 137 thereof the following words:- persons with an intellectual disability. 138 139 SECTION 34. Section 73 of said chapter 111, as so appearing, is hereby amended by striking out, in line 4, the words "the mentally retarded" and inserting in place thereof the following 140 words:- persons with an intellectual disability. 141

143 144 145	SECTION 35. Section 27 of chapter 118G of the General Laws, as so appearing, is hereby amended by striking out the definition of "Intermediate care facility for the mentally retarded or ICF/MR,".
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147 148	SECTION 36. Said section 27 of said chapter 118G, as so appearing, is hereby further amended by inserting, after the definition of "Assessment" the following definition:-
149 150	"Intermediate care facility for persons with an intellectual disability or ICF/PWID," a privately or publicly operated intermediate care facility for persons with an intellectual disability.
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152 153 154	SECTION 37. Said section 27 of said chapter 118G, as so appearing, is hereby further amended by striking out, in lines 11, 13 and 31, the words "the mentally retarded" and inserting in place thereof, in each instance, the following words:- persons with an intellectual disability.
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156 157 158	SECTION 38. Said section 27 of said chapter 118G, as so appearing, is hereby further amended by striking out, in lines 8, 12, 14 and 32, the words "mental retardation" and inserting in place thereof, in each instance, the following words:- an intellectual disability.
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160 161 162	SECTION 39. Said section 27 of said chapter 118G is hereby further amended by striking out, in lines 28, 39, 41, 47, 49 and 53, the word "ICF/MR" and inserting in place thereof, in each instance, the following word:- ICF/PWID .
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164 165 166	SECTION 40. Section 29 of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1, 9, 14, 22, and 29, the words "mental retardation" and inserting in place thereof, in each instance, the following words:- an intellectual disability.
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168 169 170	SECTION 41. Section 1 of chapter 123B of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the words "mentally retarded person" and inserting in place thereof the following words:- person with an intellectual disability.
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172 173	SECTION 42. Said section 1 of said chapter 123B, as so appearing, is hereby further amended by striking out the definition of "Mentally retarded person".

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175 176	SECTION 43. Said section 1 of said chapter 123B, as so appearing, is hereby further amended by inserting, after the definition of "Independent funds" the following definition:-
177 178 179 180 181	"Person with an intellectual disability", a person who, as a result of inadequately developed or impaired intelligence, as determined by clinical authorities as described in the regulations of the department is substantially limited in his or her ability to learn or adapt, as judged by established standards available for the evaluation of a person's ability to function in the community.
182	
183 184 185	A person with an intellectual disability may be considered mentally ill provided that no person with an intellectual disability shall be considered mentally ill solely by virtue of his or her intellectual disability.
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187 188 189	SECTION 44. Said section 1 of said chapter 123B, as so appearing, is hereby further amended by striking out, in line 27, the words "his mental retardation" and inserting in place thereof the following words:- their intellectual disability.
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191 192 193	SECTION 45. Section 2 of said chapter 123B, as so appearing, is hereby amended by striking out, in line 5, the words "mentally retarded persons" and inserting in place thereof the following words:- persons with an intellectual disability.
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195 196 197	SECTION 46. Said section 2 of said chapter 123B, as so appearing, is hereby further amended by striking out, in line 8, the word "the mentally retarded" and inserting in place thereof the following words:- persons with an intellectual disability.
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199 200 201	SECTION 47. Said section 2 of said chapter 123B, as so appearing, is hereby further amended by striking out, in line 11, the word "mental retardation" and inserting in place thereof the following words:- intellectual disability.
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203 204	SECTION 48. Section 3 of said chapter 123B, as so appearing, is hereby amended by striking out, in lines 2 and 3, 3 and 4, 7 and 8, 10, 25 and 26, 36 and 48 and 49, the words "mentally

205 retarded person" and inserting in place thereof, in each instance, the following words:- person 206 with an intellectual disability. 207 208 SECTION 49. Said section 3 of said chapter 123B, as so appearing, is hereby further amended by striking out, in lines 10 and 11 and 47, the words "the mentally retarded" and inserting in 209 place thereof, in each instance, the following words:- persons with an intellectual disability. 210 211 212 SECTION 50. Said section 3 of said chapter 123B, as so appearing, is hereby further amended by striking out, in line 16, the word "retarded" and inserting in place thereof the following 213 words:- intellectually disabled. 214 215 216 SECTION 51. Section 4 of said chapter 123B, as so appearing, is hereby amended by striking 217 out, in lines 23 and 30, the words "mentally retarded person" and inserting in place thereof, in 218 each instance, the following words:- person with an intellectual disability. 219 220 SECTION 52. Section 5 of said chapter 123B, as so appearing, is hereby amended by striking out, in line 1, the words "mentally retarded person" and inserting in place thereof the following 221 222 words:- person with an intellectual disability. 223 224 SECTION 53. Section 6 of said chapter 123B, as so appearing, is hereby amended by striking out, in line 3, the words "mentally retarded person" and inserting in place thereof the following 225 226 words:- person with an intellectual disability. 227 228 SECTION 54. Section 8 of said chapter 123B, as so appearing, is hereby amended by striking 229 out, in lines 1, 5 and 113, the words "mentally retarded person" and inserting in place thereof, in 230 each instance, the following words:- person with an intellectual disability. 231 232 SECTION 55. Said section 8 of said chapter 123B, as so appearing, is hereby further amended by striking out, in lines 105 and 106 and 117 and 118, the words "mentally retarded persons" and 233 234 inserting in place thereof, in each instance, the following words:- persons with an intellectual 235 disability.

236 237 SECTION 56. Section 9 of said chapter 123B, as so appearing, is hereby amended by striking 238 out, in lines 1, 4 and 10, the words "mentally retarded person" and inserting in place thereof, in 239 each instance, the following words:- person with an intellectual disability. 240 241 SECTION 57. Section 12 of said chapter 123B, as so appearing, is hereby amended by striking out, in lines 12 and 19, the words "mentally retarded person" and inserting in place thereof, in 242 243 each instance, the following words:- person with an intellectual disability. 244 SECTION 58. Section 16 of said chapter 123B, as so appearing, is hereby amended by striking 245 out, in lines 17 and 25 and 26, the words "the mentally retarded" and inserting in place thereof, 246 in each instance, the following words:- persons with an intellectual disability. 247 248 249 SECTION 59. Section 11 of chapter 131 of the General Laws, as so appearing, is hereby amended by striking out, in line 38, the words "mentally retarded" and inserting in place thereof 250 251 the following words:- has an intellectual disability. 252 253 SECTION 60. Section 30B of chapter 149 of the General Laws, as so appearing, is hereby 254 amended by striking out, in line 14, the words "mental retardation" and inserting in place thereof 255 the following words:- intellectual disability. 256 SECTION 61. Section 193T of chapter 175 of the General Laws, as so appearing, is hereby 257 258 amended by striking out, in line 5, the words "mental retardation" and inserting in place thereof 259 the following words:- intellectual disability. 260 SECTION 62. Section 1-404 of chapter 190B of the General Laws, as so appearing, is hereby 261 amended by striking out, in lines 4 and 12, the words "mentally retarded person" and inserting in 262 place thereof, in each instance, the following words:- person with an intellectual disability. 263 264

265 266 267	SECTION 63. Section 5-303 of said chapter 190B, as so appearing, is hereby amended by striking out, in lines 18, 52, and 75, the words "be mentally retarded" and inserting in place thereof, in each instance, the following words:- have an intellectual disability.
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269 270 271	SECTION 64. Said section 5-303 of said chapter 190B, as so appearing, is hereby further amended by striking out, in lines 77 and 78, the words "or mentally retarded persons" and inserting in place thereof the following words:- persons with an intellectual disability.
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273 274 275	SECTION 65. Section 1B of chapter 192 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words "mental retardation" and inserting in place thereof the following words:- intellectual disability.
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277 278 279 280	SECTION 66. Section 7 of chapter 206 of the General Laws, as so appearing, is hereby amended by striking out, in lines 9 and 10 and 12, the words "mentally retarded person" and inserting in place thereof, in each instance, the following words:- person with an intellectual disability.
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282 283 284	SECTION 67. Said section 7 of said chapter 206, as so appearing, is hereby further amended by striking out, in line 13, the words "or mentally retarded person" and inserting in place thereof the following words:- person or a person with an intellectual disability.
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286 287 288	SECTION 68. Section 24 of said chapter 206, as so appearing, is hereby amended by striking out, in line 13, the words "mentally retarded persons" and inserting in place thereof the following words:- persons with an intellectual disability.
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290 291 292	SECTION 69. Section 34E of chapter 221 of the General Laws, as so appearing, is hereby amended by striking out, in lines 35, 43 and 50, the word "retardation" and inserting in place thereof, in each instance, the following words:- intellectual disability.
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294 295	SECTION 70. Section 23E of chapter 233 of the General Laws, as so appearing,, is hereby amended by striking out, in lines 4, 6, 13 and 14, 15, 17, 21, 28 and 29, 50 and 51, 52 and 53 and

296 66, the words "mental retardation" and inserting in place thereof, in each instance, the following 297 words:- an intellectual disability. 298 299 SECTION 71. Said section 23E of said chapter 233, as so appearing, is hereby further amended by striking out, in line 7, the words "Mental retardation" and inserting in place thereof the 300 following words:- Intellectual disability. 301 302 303 SECTION 72. Said section 23E of said chapter 233, as so appearing, is hereby further amended by striking out, in line 75, the words "mental retardation" and inserting in place thereof the 304 following words:- persons with an intellectual disability. 305 306 SECTION 73. Section 13F of chapter 265 of the General Laws, as so appearing, is hereby 307 308 amended by striking out, in lines 2, 11, 12 and 13, the words "mentally retarded person" and 309 inserting in place thereof, in each instance, the following words:- person with an intellectual 310 disability. 311 312 SECTION 74. Said section 13F of said chapter 265, as so appearing, is hereby further amended 313 by striking out, in lines 2 and 14, the words "be mentally retarded" and inserting in place thereof, 314 in each instance, the following words:- have an intellectual disability.